

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

391 Franklin Turnpike Limited Liability)
Company, a/k/a Franklin Turnpike, LLC,)
)
Plaintiff,)
)
vs.)
)
Greggory G. Tank,)
)
Defendant.)

ORDER

Case No. 4:12-cv-162

On February 18, 2015, Judge Hovland conducted a telephonic conference with the parties in which he directed that the parties participate in a settlement conference to be conducted by the undersigned. Judge Hovland directed that the settlement conference be conducted in the near future given the impending trial. He further directed that counsel and their clients personally appear. (Doc. No. 57).

The undersigned has attempted to communicate with counsel regarding the scheduling of the settlement conference. Counsel for defendant has responded, but so far plaintiff's counsel has not either in response to telephone calls from the undersigned's staff or their emails. The undersigned has been further advised that the court has had previous difficulty in getting plaintiff's counsel to respond to telephone calls from the court.

Given the circumstances, the court will conduct a telephonic conference with the parties on February 24, 2014, at 11:00 a.m. CST to discuss the timing of the settlement conference. The court will initiate the conference call. Prior to the conference call, plaintiff's counsel shall provide the court with a telephone number at which he can be reached.

During the telephone conference, the court will be scheduling a settlement conference. Failure to participate meaningfully in that process may very well result in the scheduling of a time and date that is inconvenient for one or more the parties.

Failure to participate in either the telephonic conference or the later scheduled settlement conference will likely result in the imposition of sanctions that may include dismissal of the above-entitle action and/or assessments of costs and attorney's fees.

IT IS SO ORDERED.

Dated this 20th day of February, 2015.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court